

SENATE BILL 910

M3, C5

0lr2981

By: **Senators Lenett and Rosapepe**

Introduced and read first time: February 17, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Comprehensive Energy Plan**

3 FOR the purpose of requiring the Department of Planning to submit a certain interim
4 report to the Governor and the General Assembly on or before a certain date;
5 requiring the Department to submit a certain Comprehensive Energy Plan to
6 the Governor and the General Assembly on or before a certain date; requiring
7 the Department to solicit and consider input from certain parties in developing
8 the Plan; requiring the Plan to contain certain information and make a certain
9 recommendation; altering the factors that the Public Service Commission is
10 required to consider before making a final decision on an application for a
11 certificate of public convenience and necessity; and generally relating to the
12 Comprehensive Energy Plan.

13 BY repealing and reenacting, without amendments,
14 Article – Public Utility Companies
15 Section 7–207(b)
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Public Utility Companies
20 Section 7–207(e)
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2009 Supplement)

23 BY adding to
24 Article – State Finance and Procurement
25 Section 5–901 to be under the new subtitle “Subtitle 9. Comprehensive Energy
26 Plan”
27 Annotated Code of Maryland
28 (2009 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Public Utility Companies**

4 7–207.

5 (b) (1) (i) Unless a certificate of public convenience and necessity for
6 the construction is first obtained from the Commission, a person may not begin
7 construction in the State of a generating station.

8 (ii) If a person obtains Commission approval for construction
9 under § 7–207.1 of this subtitle, the Commission shall exempt a person from the
10 requirement to obtain a certificate of public convenience and necessity under this
11 section.

12 (2) Unless a certificate of public convenience and necessity for the
13 construction is first obtained from the Commission, and the Commission has found
14 that the capacity is necessary to ensure a sufficient supply of electricity to customers
15 in the State, a person may not exercise a right of condemnation in connection with the
16 construction of a generating station.

17 (3) Unless a certificate of public convenience and necessity for the
18 construction is first obtained from the Commission, an electric company may not begin
19 construction of an overhead transmission line that is designed to carry a voltage in
20 excess of 69,000 volts or exercise a right of condemnation with the construction.

21 (e) The Commission shall take final action on an application for a certificate
22 of public convenience and necessity only after due consideration of:

23 (1) the recommendation of the governing body of each county or
24 municipal corporation in which any portion of the construction of the generating
25 station or overhead transmission line is proposed to be located; [and]

26 (2) the effect of the generating station or overhead transmission line
27 on:

28 (i) the stability and reliability of the electric system;

29 (ii) economics;

30 (iii) esthetics;

31 (iv) historic sites;

1 (v) aviation safety as determined by the Maryland Aviation
2 Administration and the administrator of the Federal Aviation Administration;

3 (vi) when applicable, air and water pollution; [and]

4 (vii) **CONSISTENCY WITH THE STATE'S ENVIRONMENTAL**
5 **GOALS AND LAWS; AND**

6 **(VIII) the availability of means for the required timely disposal of**
7 **wastes produced by any generating station; AND**

8 **(3) THE RECOMMENDATIONS OF THE DEPARTMENT OF**
9 **PLANNING IN THE COMPREHENSIVE ENERGY PLAN SUBMITTED BY THE**
10 **DEPARTMENT UNDER § 5-901 OF THE STATE FINANCE AND PROCUREMENT**
11 **ARTICLE.**

12 **Article – State Finance and Procurement**

13 **SUBTITLE 9. COMPREHENSIVE ENERGY PLAN.**

14 **5-901.**

15 **(A) (1) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT SHALL**
16 **SUBMIT AN INTERIM REPORT ON A COMPREHENSIVE ENERGY PLAN TO THE**
17 **GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**
18 **ARTICLE, THE GENERAL ASSEMBLY.**

19 **(2) ON OR BEFORE DECEMBER 31, 2011, THE DEPARTMENT**
20 **SHALL SUBMIT THE COMPREHENSIVE ENERGY PLAN TO THE GOVERNOR AND,**
21 **IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**
22 **GENERAL ASSEMBLY.**

23 **(B) IN DEVELOPING THE COMPREHENSIVE ENERGY PLAN, THE**
24 **DEPARTMENT SHALL SOLICIT AND CONSIDER INPUT FROM:**

25 **(1) THE PUBLIC SERVICE COMMISSION;**

26 **(2) THE MARYLAND ENERGY ADMINISTRATION;**

27 **(3) THE DEPARTMENT OF THE ENVIRONMENT;**

28 **(4) THE DEPARTMENT OF NATURAL RESOURCES;**

29 **(5) THE DEPARTMENT OF AGRICULTURE;**

1 **(6) THE OFFICE OF PEOPLE’S COUNSEL;**

2 **(7) ORGANIZATIONS REPRESENTING ENVIRONMENTAL**
3 **INTERESTS IN THE STATE; AND**

4 **(8) ANY OTHER RELEVANT INTEREST, INCLUDING INDUSTRY AND**
5 **ANY OTHER GOVERNMENTAL UNITS.**

6 **(C) THE COMPREHENSIVE ENERGY PLAN SHALL:**

7 **(1) ASSESS THE STATE’S CURRENT ENERGY SUPPLY AND**
8 **DEMAND;**

9 **(2) PROVIDE ESTIMATES OF THE STATE’S LONG-TERM ENERGY**
10 **SUPPLIES AND NEEDS;**

11 **(3) IDENTIFY REASONABLE OPTIONS TO MEET THE STATE’S**
12 **LONG-TERM ENERGY NEEDS, INCLUDING HOW WELL THE OPTION WOULD**
13 **PROMOTE:**

14 **(I) LONG-TERM COST STABILITY;**

15 **(II) THE RELIABILITY OF THE ELECTRICITY SUPPLY;**

16 **(III) MINIMIZATION OF ADVERSE ENVIRONMENTAL IMPACTS;**
17 **AND**

18 **(IV) CONSISTENCY WITH THE STATE’S ENVIRONMENTAL**
19 **LAWS AND GOALS;**

20 **(4) EXAMINE AND IDENTIFY TARGETS TO DEPLOY AND USE**
21 **ENERGY EFFICIENCY AND RENEWABLE ENERGY PROGRAMS AND TOOLS;**

22 **(5) EXPLORE POLICIES AND PROGRAMS TO ADDRESS**
23 **ELECTRICITY GRID CONGESTION, TRANSMISSION, AND DISTRIBUTION ISSUES;**

24 **(6) IDENTIFY ENERGY RESOURCE DEVELOPMENT OPTIONS;**

25 **(7) DISCUSS THE DEPLOYMENT OF NEW TECHNOLOGIES; AND**

26 **(8) RECOMMEND ANY LEGISLATION NEEDED TO IMPLEMENT THE**
27 **RESULTS OF THE REPORTS.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010.